

REMARKS

Claim 23 has been amended to correct clerical errors. No new matter has been added. Applicant respectfully requests reconsideration of the application in view of the amendments and following remarks.

Claim Objections

Claim 23 has been objected to because of the informalities. Claim 23 (line 3) recites “alkoxysilance”. This has been amended to “alkoxysilane”. Applicant respectfully requests withdrawal of the objection.

Claim Rejections – 35 USC §103

Claims 1, 4, and 20-22 have been rejected under 35 USC §103 as being unpatentable over Storow et al (US 3,069, 375) in view of Swarup et al ((US 5,506, 325).

The Examiner has combined the above references and equated with the claimed invention, assuming the silica sol disclosed in the present claimed invention by definition is colloidal silica disclosed in Storow et al. However, according to “Kagaku Daijiten” (Encyclopedia CHMICA), a production method of the colloidal is described:

Sillicon tetrahalide is added to water, or concentrated hydrochloric acid is gradually added to an aqueous alkaline silicate solution.

* Please see **Appendix A**, the machine translation version of the description is also attached.

On contrary, the neutral silica sol disclosed in the present claimed invention is made of “a compound which is formed by hydrolysis condensation of silicate”. (page 11, line 25-26). Neither acid nor halides are involved. Thus, there is a clear difference in the process, and the difference produces the structural and characteristic difference described in the present specification (page 13, line 1-17). Those are that the component (B) in the present invention is in such a state that a majority of Si-OH groups remain without dissociation on particle surfaces, and a pH value of 5.0~7.8.

Although the Examiner asserts that the differences are obvious from the prior art, as shown in a new evaluation result of the bleed-out resistance (page 13, line 17) submitted

herewithin a Declaration under 37 C.F.R. §1.132, there are unexpected advantages created by use of the neutral silica sol over colloidal silica. The attached experimental data indicates that the superior results obtained using the Examples 1 throughout 7, prepared with the neutral silica sol of the present invention over Comparative Examples prepared with the colloidal silica sol used by Storrow.

Further, as described in the specification, (page 30 line 15-16, line 30), a substantial difference has been seen in electrical conductivity between the Examples/Comparative Example with neutral silica sol and with colloidal sol, respectively. Examples (1-7), which are with neutral silica sol, consistently show high ratings in a pollution resistance to a rain streaking test. (Table-1-8) The same tendencies have been seen in Specular gloss and the Area of dropped water stream test as well.

As described above, the results achieved by the present claimed invention are unexpected over these achieved by the prior art. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim Rejections – 35 USC §103

The Claim 2 has been rejected under 35 USC. §103 as being unpatentable over Storrow et al in view of Swarup et al and further in view of Kano.

Claim 2 depends from Claim 1. And as discussed above, the Claim 1 includes a novel feature, neutral silica sol, which creates unexpected results. Also, Kano does not disclose the neutral silica sol recited in claim 1. Thus, even if Storrow and Kano combined, the combination can not lead to claim 1. The Claim 2 can not be rejected on this ground.

Applicant respectfully requests withdrawal of this rejection.

Rejection Under 35 USC §103

Claims 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Storrow et al (US 3,069,375) in view of Kano (US 5,891,948) and Gagliardi et al. (US 5,961,674).

Claim 3 depends from Claim 1, and as discussed above, the Claim 1 includes a novel feature, neutral silica gel, which creates unexpected results. Also, Gagliardi et al. does not disclose the use of the neutral silica sol recited in Claim 1. Thus, even if Storrow, Kano and

Gagliardi et al. combined, the combination can not lead to claim 1. The Claim 3 can not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Rejection Under 35 USC §103

Claims 1 and 20-24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Storrow et al in view of Inagaki et al (US 4,427, 823)

Claims 20-24 depend from Claim 1, and as discussed above, the Claim 1 includes novel feature which create unexpected results. Also, Inagakiet al. does not disclose the use of the neutral silica sol recited in Claim 1. Thus, even if Storrow, and Inagaki et al. combined, the combination can not lead to claim 1. The Claim 1 and the dependent claims can not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Rejection Under 35 USC §103

Claims 1, 4 and 20-22 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberger et al (US 6,008,291) and Swarup et al

Claims 4 and 20-22 depend from Claim 1, and as discussed above, the Claim 1 includes novel feature, neutral silica sol, which creates unexpected results. Also, Weinberger et al does not disclose the use of the neutral silica sol recited in Claim 1. Thus, even if Weinberger et al and Swarup et al. combined, the combination can not lead to claim 1. The Claim 1 and the dependent claims can not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Claim Rejections – 35 USC §103

The Claim 2 has been rejected under 35 USC. §103 as being unpatentable over Weinberger and Swarup et al and further in view of Kano.

Claim 2 depends from Claim 1. And as discussed above, the Claim 1 includes novel feature, neutral silica sol, which creates unexpected results. The cited references do not disclose the neutral silica sol recited in claim 1. Thus, even if the references are combined, the combination can not lead to claim 1. The Claim 2 can not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Claim Rejections – 35 USC §103

Claim 3 has been rejected under 35 USC. §103 as being unpatentable over Weinberger and Swarup et al and further in view of Kano and Gagliardi et al..

Claim 3 depends from Claim 1. And as discussed above, the Claim 1 includes novel feature, neutral silica sol, which creates unexpected results. The cited references do not disclose the neutral silica sol recited in claim 1. Thus, even if the references are combined, the combination can not lead to claim 1. The Claim 3 can not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

In the light of the applicant's amendments to the claims and the following Remarks, it is respectfully submitted that the present application id in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Application No.: 10/596,590
Filing Date: June 16th, 2006

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 25 July 2008

By: Daniel E. Altman
Daniel E. Altman
Registration No. 34,115
Attorney of Record
Customer No. 20,665
(949) 760-0404

AMEND

5674874
071808